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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,583	01/18/2002	Daniel Henri Decaux	68142-015	2447

7590

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EXAMINER

SAVAGE, MATTHEW O

ART UNIT

PAPER NUMBER

1723

DATE MAILED: 08/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/937,583

Applicant(s)

DECAUX ET AL.

Examiner

Matthew O Savage

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 1,083,203 in view of Girondi.

With respect to claim 1, '203 discloses a filter body having opposing body filter ends 1, 16, the filter body having an interior chamber within which a filter medium 7 is located, the filter medium including a filter member having a first end secured to a support plate (e.g., element 12, which supports the filter media 7 to which it is adhesively bonded to) and a second end secured to the filter body 1, the filter body being multi-part construction, the first and second ends being secured such that fuel can only flow from the outer periphery of the filter medium to an inner part of the filter medium by flowing through the filter medium, the parts being non-removably, sealingly secured to one another such that the parts form an integral whole, the filter body being shaped to define an inlet port 6 and an outlet port 5 communicating with dirty and clean sides of the filter medium, both the inlet and outlet ports being positioned at the same body end of the filter body. '203 fails to specify the support plate as having an outer periphery which engages the inner surface of the filter body. Girondi discloses an analogous filter that includes a support plate 22 that is obviously disposed in contact with an inner surface of a filter body 10 since the only flow between chambers 31 and

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33 is through the flow apertures 22a (see FIGS. 1 and 3), and suggests that such a member functions as a baffle to maintain heavier contaminants within chamber 33 positioned adjacently below the support plate. It would have been obvious to have modified the support plate of '203 so as to have been in close proximity to an inner surface of the filter body as suggested by Girondi in order to maintain heavier contaminants within a chamber adjacently below the support plate.

As to claim 2, '203 discloses the parts 1, 16 of the filter body as being secured to one another by means of a friction welding technique (see lines 25-28 of page 2).

Concerning claim 4, '203 discloses the second end of the filter member as being directly bonded to the filter body (e.g., via adhesive 10).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 1,083,203 in view of Girondi as applied to claim 1 above, and further in view of Brun.

With respect to claim 3, '203 fails to specify the filter medium as being a pleated paper filter member. Brun discloses an analogous filter including a pleated filter paper

member 14B (see FIG. 3 and lines 10-13 of col. 4) and suggests that such a filter medium is useful for filtering liquids. It would have been obvious to have modified the '203 filter so as to have included a pleated paper filter member as suggested by Brun in order to provide a filter member capable of filtering liquids.

Concerning claim 11, '203 fails to disclose a downwardly depending tubular member secured to the filter body serving to force fuel to flow in a downward direction prior to entering the tubular member. Brun discloses a downwardly depending tubular member 13B secured to the filter body serving to force fuel to flow in a downward direction prior to entering the tubular member and suggests that such an arrangement enables air to be controllably bled from a dead space within the filter member. It would have been obvious to have modified the '203 filter so as to have included a tube as suggested by Brun in order to enable air to be bleed from a dead air space within the filter member.

As to claim 12, Brun discloses the tubular member as having one or more openings 19 through which air is able to flow at a relatively low rate.

Regarding claim 13, '203 discloses the second end of the filter as being bonded directly to the filter body 1.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 1,083,203 in view of Girondi as applied to claim 1 above, and further in view of Bosch et al.

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With respect to claim 5, '203 fails to specify the recited second inlet and outlet port. Bosch et al include a second inlet and outlet port 28, 29 and suggests that such an arrangement enables the introduction of warmed fuel into the filter to melt wax crystals in cold fuel. It would have been obvious to have modified the '203 device so as to have included second inlet and outlet ports as suggested by Bosch et al in order to enable the introduction of warm fuel into the filter.

As to claim 6, '203 discloses a temperature sensitive valve 33, 34.

Claims 5-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 1,083,203 in view of Girondi as applied to claim 1 above, and further in view of Bradford et al.

With respect to claim 5, '203 fails to specify the recited second inlet and outlet port. Bradford et al include a second inlet and outlet port 29 and 30 (see FIG. 3) and suggests that such an arrangement enables the introduction of warmed fuel into the filter to melt wax crystals in cold fuel. It would have been obvious to have modified the '203 device so as to have included second inlet and outlet ports as suggested by Bradford et al in order to enable the introduction of warm fuel into the filter.

As to claim 6, '203 discloses a temperature sensitive valve 38.

As to claim 7, Bradford et al discloses a pressure sensitive valve 38 that includes a ball valve 33.

Concerning claim 9, Bradford et al disclose a non return valve 33 resiliently biased into engagement with a seating.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 1,083,203 in view of Bosch et al or Bradford et al as applied to claim 6 above, and further in view of Lewis et al.

With respect to claims 7-8, '203, Bosch et al, and Bradford et al fail to specify a ball valve movable under the influence of a bimetallic element. Lewis et al discloses that ball valves movable under the influence of a bimetallic element are known in the art and suggests that such a valve provides a reliable seal. It would have been obvious to have modified the combination suggested by '203, Bosch et al, or Bradford et al so as to have included a ball valve as suggested by Lewis et al in order to provide a secure seal.

Concerning claim 9, Bradford et al disclose a non return valve 33 resiliently biased into engagement with a seating.

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

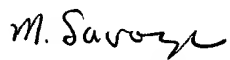
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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O Savage whose telephone number is 703-308-3854. The examiner can normally be reached on Monday-Friday, 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda W. Walker can be reached on 703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and the same for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

  
Matthew O Savage  
Primary Examiner  
Art Unit 1723

mos  
August 12, 2003